



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED
WILMINGTON, DELAWARE 19898



RECEIVED
APR 10 1988
EPA REGION 5

LEGAL DEPARTMENT

April 4, 1988

REGISTERED MAIL-RETURN RECEIPT REQUESTED

Mr. Robert Hartian
Office of Public Affairs
U.S. Environmental Protection Agency
280 South Dearborn Street
Chicago, Illinois 60604

Dear Mr. Hartian:

Freedom of Information Act (FOIA) Request

This is a request for information under the Freedom of Information Act, as amended, 5 USC 552. I hereby request a copy of the below identified documents concerning E. I. du Pont de Nemours and Co.'s (Du Pont) alleged activity at the North Avenue Dump site (Gary, Indiana) and/or the U.S. Scrap site (Chicago, Illinois). See attached 3/9/88 letter to Du Pont. Du Pont requests the following information:

- 1) EPA Region 5's September, 1986 Information Request to Du Pont regarding Du Pont's alleged involvement with the Ninth Avenue Dump site;
- 2) Du Pont's December, 1986 response to EPA's 9/86 Information Request;
- 3) deposition(s) of Mr. Steve Martell (individually or as operator of the companies known as U.S. Scrap, Liquid Drum, U.S. Drum), his employees or agents which show that Du Pont did business with Mr. Martell or his companies at the North Avenue Dump site or the U.S. Scrap site;
- 4) all records which show that Du Pont disposed of hazardous waste at the Ninth Avenue Dump site or the U.S. Scrap site.

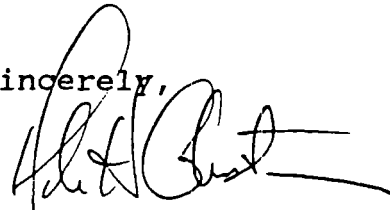
All of the information in #1-4 is in the possession of Mr. Edward Kowalski and/or Ms. Susan Swales, U.S. EPA Region 5.

To the extent that the information (or portions thereof) is exempt from release as defined in FOIA, I request that you provide me those portion of the information which is not exempt and identify the exemptions which the EPA claims as preventing disclosure of the requested information to Du Pont.

Du Pont is prepared to pay reasonable costs (not to exceed \$150.00 for locating, reproducing and sending the requested information. In the event that the fee for this request is anticipated to exceed this amount, I request that this fee be expended and that I be informed of the extent of any additional costs necessary to comply with this request.

As provided by FOIA, I will expect to receive your reply within ten working days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark H. Christman', with a horizontal line extending to the right.

Mark H. Christman
Legal Department BOD-821-1A
Wilmington, DE 19898
(302) 774-6443

MHC/1/HARTIANFOIA
Att.

cc: Mr. Edward Kowalski, EPA
Ms. Susan Swales, EPA

MHC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

MAR 09 1988

REPLY TO THE ATTENTION OF:

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED
GENERAL NOTICE LETTER AND INFORMATION REQUEST

E. I. DUPONT
7082 DU PONT BUILDING
WILMINGTON, DE 19898
PAMELA MEITNER

RECEIVED

MAR 30 1988

Re: Ninth Avenue Dump, Gary, Indiana
U.S. Scrap, Chicago, Illinois

Dear Sir or Madam:

NOTICE OF POTENTIAL LIABILITY

This letter is to notify you of potential liability which your company may incur or may have incurred with respect to the above-referenced Sites, to make a formal demand for reimbursement of the costs, including interest thereon, that have been incurred in response to the environmental problems at the Sites, and to notify you of forthcoming cleanup response activities at the Sites which you will be asked at a later date to perform or finance.

The United States Environmental Protection Agency ("U.S. EPA") has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above-referenced Sites. U.S. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Sites. Unless U.S. EPA reaches an agreement under which a responsible party or parties will properly perform or finance such actions, U.S. EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 69601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 (1986) (SARA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, 42 U.S.C. 69606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973 (RCRA), and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public

ATTACHMENT I